



AMENDMENT TRANSMITTAL LETTER  
Under Small Entity Status

Attorney Docket No:  
MCNC-SRT-548.01

Application Serial Number:  
10/743,418

Filing Date:  
12/22/2003

Examiner:  
Brandi N Thomas

Art Unit:  
2873

Invention: Layered Photonic Crystals

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

|               | CLAIMS REMAINING<br>AFTER AMENDMENT |       | HIGHEST NUMBER<br>PREVIOUSLY PAID<br>FOR | NO. OF EXTRA<br>CLAIMS PRESENT | RATE | ADDITIONAL<br>FEE |
|---------------|-------------------------------------|-------|--|--------------------------------|------|-------------------|
| TOTAL CLAIMS  | 65                                  | MINUS | 65                                       | 0                              | \$9  | \$0               |
| INDEP. CLAIMS | 9                                   | MINUS | 9  | 0                              | \$44 | \$0               |

\_\_\_\_ Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of 10/27/2004 to and through \_\_\_\_\_, comprising an extension of the shortened statutory period of:

\_\_\_\_ one month (\$55.00)                      \_\_\_\_ three months (\$490.00)  
\_\_\_\_ two months (\$215.00)                      \_\_\_\_ four months (\$765.00)

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT                      \$0.00

- ☒ Please return the enclosed post card.
- \_\_\_\_ A credit card payment form is enclosed.
- \_\_\_\_ A check in the amount of \$\_\_\_\_\_ is attached.
- ☒ Charge any underpayment to Deposit Account 501267.
- \_\_\_\_ No additional fee is required.

12/8/2004  
Date

Jerry A. Miller  
Reg. No. 30779

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or the correspondence is being facsimile transmitted to the USPTO, on 12/8/2004.

Jerry A. Miller

Reg. No. 30779



IFW

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:

Inventor(s) : John South Lewis, III, et al.  
Filed : 12/22/2003  
Serial No. : 10/743,418  
Confirmation No. : 7518  
Group Art Unit : 2873  
Examiner : Thomas, Brandi N.  
Docket Number : MCNC-SRT-548.01  
Title : Layered Photonic Crystals

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING / FAX TRANSMISSION**

I hereby certify that this correspondence is, on the date shown below, being:

☒ [ X ] deposited with the U.S. Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ [ ] transmitted by facsimile to the U.S. Patent and Trademark Office.

Applicant, Assignee or Reg. Representative: Jerry A. Miller, Reg. No. 30,779

Signature: 

Date: 12/8/2004

**RESPONSE TO OFFICE ACTION**

Sir:

**INTRODUCTORY COMMENTS:**

This communication is responsive to the Office Action dated October 27, 2004, in which claims 25, 30-32, 36-40, 43-47, 58-60 and 62-64 were rejected under 35 U.S.C. §102 and claims 48, 49, 61 and 65 were rejected under 35 U.S.C. §103. Claims 1-24 and 50-57 were allowed and claims 26-29, 33-35, 41 and 42 were objected to but indicated to be allowable over the cited art. Applicant(s) respectfully request reconsideration in view of the following: